

Legis. Prog.

June 8, 2010

Memorandum 2010-21

2010 Legislative Program: Status of Bills

The attached table summarizes the status of the Commission's 2010 legislative program. The staff will supplement that information orally at the April meeting.

In addition, the staff intends to prepare separate memoranda discussing developments on the Commission bills that were held over as two-year bills: SB 105 (Harman) on donative transfer restrictions and SB 189 (Lowenthal) on mechanics lien law.

One other noteworthy development is discussed below.

Omnibus Judiciary Committee Bill

Part of the Commission's recommendation on *Trial Court Restructuring: Part 5* (2009) is included in AB 2767 (Committee on Judiciary), the annual civil omnibus committee bill.

The civil omnibus committee bill is a vehicle for entirely uncontroversial reforms. As a general rule, if any judiciary committee member, of either house, raises an objection to the inclusion of a provision in the bill that provision is removed.

Two provisions of the Commission's recommendation were recently removed from the bill on that basis: Evidence Code Sections 752 and 753.

Unfortunately, the deletion of Sections 752 and 753 creates an unintended complication. The Commission's recommendation would make closely related reforms to three Evidence Code provisions, Sections 752, 753, and 731. It would be problematic if Section 731 were amended without making the related changes to Sections 752 and 753. In other words, if Sections 752 and 753 are not amended at this time, then Section 731 should not be amended at this time.

The staff explained this problem to the Commission's Chair and received her approval to suggest that the committee also remove Section 731 from the bill. The committee agreed to do so. That change will be made at the earliest opportunity.

Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission's website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting.

We will need to look for another vehicle for the deleted provisions.

Respectfully submitted,

Brian Hebert
Executive Secretary

Status of 2010 Commission Legislative Program

As of June 8, 2010

		AB 2767		SB 105	SB 189	SB 1080	SB 1115				
	Introduced	2/26/10		1/27/09	2/18/09	2/17/10	2/17/10				
	Last Amended	5/13/10		—	6/2/10	3/23/10	—				
First House	Policy Committee	4/13/10		5/5/09	1/12/10	4/6/10	4/6/10				
	Fiscal Committee	4/28/10		—	1/19/10	—	—				
	Passed House	5/17/09		5/14/09	1/25/10	4/15/10	4/15/10				
Second House	Policy Committee	6/10/10		6/29/10	6/15/10	6/22/10	6/22/10				
	Fiscal Committee										
	Passed House										
Concurrence											
Governor	Received										
	Approved										
Secretary of State	Date										
	Chapter #										

Bill List: AB 2767 (Judiciary Committee): Trial Court Restructuring: Part 5
 SB 105 (Harman): Donative Transfer Restrictions
 SB 189 (Lowenthal): Mechanics Liens
 SB 1080 (Public Safety Committee): Deadly Weapons
 SB 1115 (Public Safety Committee): Deadly Weapons — Conforming Revisions

Also of Interest:
 AB 1723 (Lieu & Emmerson): Hearsay

KEY

Italics: Future or speculative

“—”: Not applicable

*: Double referral, not fiscal

[date] : Deadline